

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

07 Cr. 913 (KMK)

- against -

PHILIP ETKIN,

Defendant.
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AFFIRMATION IN SUPPORT OF PRE-TRIAL MOTION

PHILIP ETKIN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

1. I am married to Bess Etkin.
2. On March 13, 2007, I communicated to my wife via email and later on that same date Bess communicated to me via email.
3. On or about March 13, 2007, I printed Bess's email to me that contained my earlier email to her. (Attached is a copy of the email).
4. Since March, 2007, I retained a copy of the email communications between myself and my wife and never intended anyone to read the communication.
5. The matters expressed by me to Bess and her to me were private and confidential and were never intended to be read by anyone.
6. The March 13, 2007 email communication was seized by the F.B.I. after my arrest in this case.

Dated: December 5, 2007
Roscoe, New York



Philip Etkin

**ATTACHMENT TO AFFIRMATION IN
SUPPORT OF PRE-TRIAL MOTION
BY PHILIP ETKIN**

**Copy of email between
Philip Etkin and Bess Etkin,
husband and wife,
dated March 13, 2007.**

From: "B Etkin" <b_etkin@hotmail.com>
 To: <petkin@troopers.state.ny.us>
 Date: 3/13/2007 12:53:58 PM
 Subject: RE: just wanted to say hi. we havent spoken much lately, and idont want to hurt you anymore. although,

You don't want to hurt me anymore? That's very funny. You just want me to ignore your fucked up behavior that's what you want. Save it. I have had it with your lies. You only tell the truth when I back you into a corner, as always. You said you were at your parents when i asked where you where. Then when you realized that I know you were not there, you changed your story. And like JJ won't lie for you? you must think I am the stupidest person on the earth. I don't believe anything you say. Did you actually ever count the number of times you have fucked around on me? I am such an asshole for staying as long as I did. As far as Jane is concerned, I have asked her multiple times to hang out/go out with me in the past months. She has always turned me down. So Fuck her and she wants to be friends with me. Thats is a bunch of shit. we were away and you and her were texting your little hearts out. You can have any fucking bitch you want call/text you at this point. it just makes me mad, so continue on... I hope it makes you happy to fuck with my job the way you are. What goes around comes around remember that. I am putting the house bills in my name. I want to know what you are doing about the truck. I gave you the options the other day. Pick One.

>From: "Phillip Etkin" <petkin@troopers.state.ny.us>
 >To: <b_etkin@hotmail.com>
 >Subject: just wanted to say hi. we havent spoken much lately, and idont want to hurt you anymore. although,
 >Date: Tue, 13 Mar 2007 10:50:15 -0400
 >
 >just wanted to say hi. we havent spoken much lately, and i dont want to hurt you anymore. although, with those text messages statement, you didnt want to hear the whole story, and sometimes i get tired of explaining myself to you about everything i do and why. but i will tell you that the latest text messages between jane and myself, had to do with her and brad had a domestic one night, our dept responded and the deputy confiscated a knife and jane wanted to know if i could get it back. another time was she had an accident with her car and needed to know what she should do about filing a report and then a week later she hit someone else. and then in between she asks me about you. how you are, etc. because she cares about you and is sad to think that you guys arent friends anymore and you spend all of your time with linda. she is hurt over that. other than that...there's nothing left to tell. believe it or not, thats up to you.just because you guys arent friends anymore, doesnt mean im not or i shouldnt be friends with her anymore and believe something else or not, the people that really care about you, you are shunning them. do what you want, but you were much happier months ago than you are now! you also have to realize that some things you cannot change. and some people cannot change. but as long as its not bad, why would you want to change someone into something or someone that they're not? i do have alot of friends. some better than others, some just acquaintances or co-workers, etc. some are men and some are women. you must stop this jealous rage about you. you can be friends with another male and i shouldnt get upset, well neither should you. you should know by now how i feel about you and how much i love you and care about you.

>you have to start not just listening to me, but HEARING me too. When i
>told you the other day i needed the truck at 630 to take to my shrink
>appt., i did not tell you not to use the truck, but only to be home by
>630 so i could take it. and i told you that you could use it for the
>next day. when i got out of my appt that night (845pm), i still hadnt
>eaten dinner yet, so i called jj and asked him if he wanted to get
>something to eat. so he met me in middletown at 930 and we went to eat
>and talked. i was at my mom and dads by 1130. and i hate doing this.
>explaining everything i do. i said i wouldnt do it anymore and here i go
>doing it again. but, im doing it to try to put your "crazy" mindset at
>ease. because i care about you. ill be pretty busy the next 2 days. i
>have ops at 1130/1p/3p/530/630/8pm/10pm. newburgh,middletown,new
>paltz,saugerties and mt vernon. i love you very much, hate the strife
>between us and wish for us to try an work out some kind of "amicable"
>arrangement or decision that will work out for both of us and our kids.
>we owe it to them and to ourselves. i was sort of hoping back in
>december that 2007 would be a great year for us (finally). Also on
>another note, i finally got "T" last night. Hes now in jail for parole
>violation. I had a talk with him last night and told him to deliver by
>no later than March 31, a brand new PSP to the Sheriff Dept. He's facing
>a parole hearing on 4/6, and if he doesnt come through, he's done and
>will go by by for 3 yrs on parole violation alone. Lets see what
>happens. dont tell evan, just in case it doesnt come through, but im
>sure it will. Okay, got to get my gear packed up to fight the drug
>dealers. Please baby...give up the shitty past and try to look forward
>to a better future. We can make things work, but have to be willing to
>give and take for both. Love and care about you very much (and so do
>alot of other people...who love you) Call me when or if you want to
>talk, or anything else. AND....ILL ALWAYS be here for you....whenever,
>wherever.....love, Phil
>
>
>This e-mail, including any attachments, may contain highly
>sensitive and confidential information. It is intended only for
>the individual(s) named. If you received this e-mail in error
>or from someone who was not authorized to send it to you,
>do not disseminate, copy or otherwise use this e-mail or its
>attachments. Please notify the sender immediately by reply
>e-mail and delete the e-mail from your system.
>

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